

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:24-CV-00631-M

Derrick Allen,

Plaintiff,

v.

**State of North Carolina and Governor
Roy Cooper,**

Defendants.

**Order &
Memorandum & Recommendation**

Derrick Allen sues North Carolina and Governor Roy Cooper.¹ He contends that they have failed to compensate him for his wrongful imprisonment or decide his pending pardon petition. *See* Compl., D.E. 1.² Allen also asks to proceed without paying the filing fee associated with bringing a civil lawsuit. *See* IFP Mot., D.E. 2. As part of considering that request, the court must also assess the viability of the claims in his complaint.

This action is duplicative of another action Allen filed in this court. *Allen v. North Carolina*, No. 5:23-CV-00629-M-RN (E.D.N.C. filed Nov. 5, 2024). For the reasons stated in the Order and Memorandum and Recommendation filed concurrently in that case, this opinion grants Allen's IFP motion (D.E. 2), but recommends that his complaint (D.E. 1) be dismissed.

The Clerk of Court must serve a copy of this Memorandum and Recommendation ("M&R") on each party who has appeared in this action. Any party may file a written objection to the M&R within 14 days from the date the Clerk serves it on them. The objection must specifically

¹ Allen filed the case in the District of Columbia, which transferred the matter to this court. D.E. 4.

² It appears that Allen filed the identical action three times, as this matter mirrors two others. *See Allen v. North Carolina, et al.*, No. 5:24-CV-629-M (E.D.N.C) and *Allen v. North Carolina, et al.*, No. 5:24-CV-632-M (E.D.N.C.).

note the portion of the M&R that the party objects to and the reasons for their objection. Any other party may respond to the objection within 14 days from the date the objecting party serves it on them. The district judge will review the objection and make their own determination about the matter that is the subject of the objection. If a party does not file a timely written objection, the party will have forfeited their ability to have the M&R (or a later decision based on the M&R) reviewed by the Court of Appeals.

Dated: December 23, 2024



Robert T. Numbers, II
United States Magistrate Judge